

IN THE UNITED STATES DISTRICT COURT

JUL 25 2019

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL NO. <u>19-2320 MV</u>
)	
vs.)	Count 1: 18 U.S.C. §§ 1153, and 1111:
)	First Degree Murder; 18 U.S.C. § 2:
DARRELL DESIDERIO and)	Aiding and Abetting;
ERVIN YAZZIE,)	
)	Count 2: 18 U.S.C. §§ 1153 and 1201(a):
Defendants.)	Kidnapping Resulting in Death;
)	
)	Count 3: 18 U.S.C. §§ 1153 and 1201(c):
)	Conspiracy to Commit Kidnapping.

INDICTMENT

The Grand Jury charges:

Count 1

On or about June 7, 2018, in Indian Country, in McKinley County, in the District of New Mexico, the defendants, **DARRELL DESIDERIO** and **ERVIN YAZZIE**, Indians, unlawfully killed John Doe with malice aforethought, in that the defendants killed John Doe willfully, deliberately, maliciously, with premeditation, and in the perpetration of a kidnapping and robbery, by stabbing John Doe with a knife and beating John Doe with a golf club.

In violation of 18 U.S.C. §§ 1153, 1111 and 18 U.S.C. § 2.

Count 2

On or about June 7, 2018, in Indian Country, in McKinley County, in the District of New Mexico, the defendants, **DARRELL DESIDERIO** and **ERVIN YAZZIE**, Indians, did unlawfully and knowingly seize, confine, inveigle, decoy, kidnap, abduct, and carry away John Doe, for some purpose and benefit, resulting in the death of any person.

In violation of 18 U.S.C. §§ 1153 and 1201(a).

Count 3

On or about June 7, 2018, in Indian Country, in McKinley County, in the District of New Mexico and elsewhere, the defendants, **DARRELL DESIDERIO** and **ERVIN YAZZIE**, Indians, unlawfully, knowingly and intentionally combined, conspired, confederated, agreed, and acted interdependently with each other to seize, confine, inveigle, decoy, kidnap, abduct, and carry away John Doe for some purpose and benefit, and, John Doe's death resulted.

Overt Acts

In furtherance of the conspiracy, and to effect the object thereof, the following overt acts, among others, were committed in Indian Country, in the District of New Mexico:

Overt Act 1

On or about June 7, 2018, **DARRELL DESIDERIO** and **ERVIN YAZZIE** agreed to acquire a vehicle.

Overt Act 2

On or about June 7, 2018, **ERVIN YAZZIE** inveigled John Doe by telling him that **DARRELL DESIDERIO** could locate some females willing to party with John Doe.

Overt Act 3

On or about June 7, 2018, **DARRELL DESIDERIO** inveigled John Doe by instructing him to drive to a remote area to locate some females willing to party with John Doe.

Overt Act 4

On or about June 7, 2018, **DARRELL DESIDERIO** held a knife to John Doe's neck.

Overt Act 5

On or about June 7, 2018, **DARRELL DESIDERIO** instructed **ERVIN YAZZIE** to retrieve John Doe's keys.

Overt Act 6

On or about June 7, 2018, **ERVIN YAZZIE** warned John Doe not to resist.

Overt Act 7

On or about June 7, 2018, **ERVIN YAZZIE** attempted to retrieve John Doe's keys.

Overt Act 8

On or about June 7, 2018, **DARRELL DESIDERIO** stabbed John Doe with a knife and beat John Doe with a golf club.

In violation of 18 U.S.C. §§ 1153 and 1201(c).

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney

 7/15/19 10:10 am